HON'BLE SRI JUSTICE P.S. NARAYANA

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W.P.No.15907 of 2006

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Dated 31st JULY 2006

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Between:
Sanepu Venkat Rao S/o Subba Rao , 50 years
R/O Velugubanda village & Panchayat
Rajanagaram Mandal
East Godavari District

… Petitioner

And:
The State Election Commission, rep.by its
Secretary, III Floor, Budha Bhavan
M.G.Road, Secunderabad and 4 others

… Respondents

HON'BLE SRI JUSTICE P.S. NARAYANA

W.P.No.15907 of 2006

ORDER:

Heard the counsel.

2. This writ petition is filed to issue an appropriate writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the 3rd respondent in showing the 5th respondent as validly contesting candidate to the post of Sarpanch, Velugubanda Gram Panchayat, Rajanagaram mandal, East Godavari District, as illegal contrary to the provisions of A.P. Panchayat Raj, Act, contrary to the Judgment of this Court in 1995 (3) ALT 217 and consequently direct that the 5th respondent had withdrawn his candidature for contesting to the post of Sarpanch, Velugubanda Gram Panchayat, Rajanagaram Mandal, East Godavari District and pass such other suitable orders.

3. The main grievance of the petitioner is that there is contravention of Rules. It is stated that despite the withdrawal of the candidature, his name is continued to be shown in the Ballot Papers and the writ petition is filed to delete the name of 5th respondent from the ballot paper. Several other factual details had been narrated in the affidavit filed in support of the writ petition. This question cannot be gone into at this stage. Admittedly the petitioner is having a remedy to

approach the Election Tribunal by way of an appeal. Hence, liberty is given to the petitioner to approach the Election Tribunal and to raise all his contentions raised in this writ petition and other grounds also, by way of an appeal.

4. With the above observation, the writ petition is disposed of. No order as to costs.

P.S. NARAYANA, J

Dated: 31st JULY 2006

BSS/MDAA